



AF/IFa

CERTIFICATE OF MAILING

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Mail Stop Appeal Brief – Patents (Reply Brief), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

9/10/07
Date

Kresta L. DeZwaan
Kresta L. DeZwaan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appln. No. : 10/645,801
Appellants : Joseph S. Stam et al.
Examiner : Chong R. Kim
Art Unit : 2624
Filing Date : August 20, 2003
Confirmation No. : 9297
Docket No. : AUTO 222
Customer No. : 028,167
For : IMAGE ACQUISITION AND PROCESSING
METHODS FOR AUTOMATIC VEHICULAR
EXTERIOR LIGHTING CONTROL

Mail Stop Appeal Brief – Patents (Reply Brief)
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL OF REPLY BRIEF IN RESPONSE TO EXAMINER'S ANSWER
(PATENT APPLICATION – 37 CFR §1.193(b)(1))

1. Transmitted herewith is the REPLY BRIEF in this application, with respect to the Notice of Appeal filed on January 3, 2007.

2. STATUS OF APPLICANT

This application is on behalf of:

other than a small entity
 small entity

A Verified Statement:

is attached
 was already filed

Applicant : Joseph S. Stam et al.
Appln. No. : 10/645,801
Page : 2

3. FEE FOR FILING REPLY BRIEF

There is no fee for filing a reply brief.

Reply Brief Fee Due: \$0.00

4. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Reply Brief fee:	<u>\$0.00</u>
Extension fee (if any):	<u>\$0.00</u>

TOTAL FEE DUE: \$00.00

5. FEE PAYMENT

Attached is a check in the sum of _____

Charge Account No. 07-1070 the sum of _____
A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

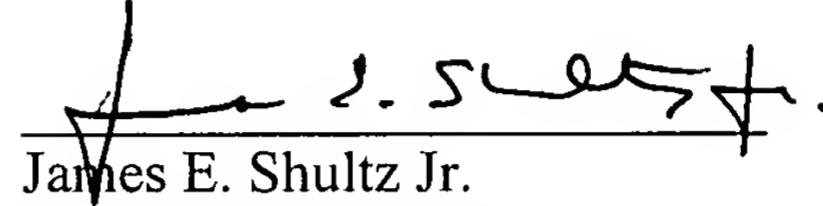
If any additional extension and/or fee is required charge Account No. 07-1070.

Applicant : Joseph S. Stam et al.
Appln. No. : 10/645,801
Page : 2

Respectfully Submitted,

JOSEPH S. STAM ET AL.

Date: Sep. 10, 2007



James E. Shultz Jr.

Registration No. 50,511
GENTEX CORPORATION
600 North Centennial Street
Zeeland, Michigan 49464
Telephone: (616) 772-1800
Facsimile: (616) 772-5223



Atty. Docket No. AUTO 222

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appn. No. : 10/645,801
Appellants : Joseph S. Stam et al.
Examiner : Chong R. Kim
Art Unit : 2624
Filing Date : August 20, 2003
Confirmation No. : 9297
For : IMAGE ACQUISITION AND PROCESSING METHODS
FOR AUTOMATIC VEHICULAR EXTERIOR
LIGHTING CONTROL

Mail Stop Appeal Brief-Patents (Reply Brief)
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REPLY BRIEF IN RESPONSE TO EXAMINER'S ANSWER (37 CFR §1.193(b)(1))

The Appellant respectfully requests that the Board of Patent Appeals and Interferences consider the reply brief to the Examiner's answer regarding the above referenced case included herewith. This reply brief to the Examiner's answer is in furtherance of the Notice of Appeal filed in the above referenced case on January 3, 2007.

If any fee is required, the Appellant asks that the fee be charged to Deposit Account No. 07-1070.

REMARKS

The Examiner has maintained his rejection of independent claims 4 and 64 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement; independent claims 1, 40, 44, 47, 50, 65, 69, 71 and 74 under 35 U.S.C. §102(e) ; and independent claims 20 and 28 under 35 U.S.C. §103(e) in the Examiner's Answer, dated July 13, 2007. In addition to the arguments in support of patentability asserted in the Appellant's Appeal Brief, dated March 5, 2007, the Appellant requests that the Board of Patent Appeals and Interferences consider the following.

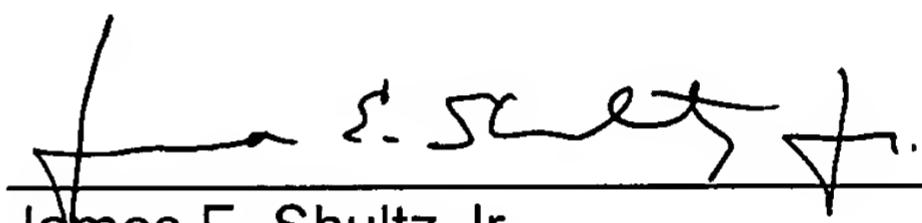
As an initial matter of fact the Examiner asserts in his answer, page 18, that he was unable to find an instance in the entire description of the specification which describes the "TAILLAMP OVERTAKE" and "RAIN condition clear" conditions recited in claim 41. In addition to Figures 14-17 and paragraphs 119-127, the Appellant pointed to the fact that claim 41 is an originally presented claim. Therefore, the Appellant respectfully submits that the totality of the disclosure is quite clear to one of ordinary skill in the art and that the subject matter of claim 41 is well defined.

The Examiner continues to assert that the "Gorman article" incorporated within U.S. Patent 6,393,133, to Breed, anticipates and, or, renders the claims of the present application obvious. The Appellant respectfully submits that the present invention as recited in the pending claims is in no way taught, suggested or rendered obvious in light of Breed along with the full text of the Gorman article. For Example, fundamental concept of utilizing a "classification algorithm" as described and claimed in the present application is not even mentioned within Breed, let alone, in Gorman.

Accordingly, reversal of the rejections of these claims under 35 U.S.C. §§102, 103 and 112 is appropriate and is respectfully solicited. The Appellant, therefore, respectfully requests that the Board of Patent Appeals and Interferences issue a decision in which claims 1-74 are indicated to be allowable in light of the art of record. The Appellant additionally requests that the decision indicate support for passing this case to allowance.

Respectfully submitted,
JOSEPH S. STAM ET AL.
By: Gentex Corporation

September 10, 2007
Date



James E. Shultz Jr.
Registration No. 50,511
600 N. Centennial Street
Zeeland, Michigan 49464
616/772-1800